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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/769,156	01/30/2004	David A. Varley	125426-1090 7777		
75	590 09/28/2005	EXAMINER			
KENNETH R MICHAEL E. N	·	CHAPMAN, JEANETTE E			
GARDERE WYNNE SEWELL LLP			ART UNIT	PAPER NUMBER	
1601 ELM STREET, SUITE 3000			3635		

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estembor of the may be a variable under the provisions of 37 CFR 1:36(d). In no event, hower, may a reply be timely filled If NO period for reply is specified above, the maximum statutory pariod will apply and will sopre SIX (5) MONTHS from the mailing date of this communication. If Allo period for reply is specified above, the maximum statutory pariod will apply and will sopre SIX (5) MONTHS from the mailing date of this communication, even if timely filled, may reduce any service plant than adjustment. Sea 37 CFR 1:74(1). Status 1) Responsive to communication (s) filled on 13 June 2005. 2a) This action is FINAL. 2b) This action is finAl. 2b) This action is finAl. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 69-82 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) Claim(s) 69-83 is/are rejected. Claim(s) is/are allowed. 6) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received in Application No. 2 Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 1 Certified copies of the priority documents have been received in this National Stage application from the International B		Applicat	on No.	Applicant(s)		
Chapman E. Jeanette Chapman E. Jeanette Sa55		10/769,1	10/769,156 VAF			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) OR THIRTY (30) DAYS, WHIGHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estensions of the may be available under the provisions of 37 CFR 1:7640. In no event, however, may a reply be simaly filled if NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing data of this communication. Failure to reply will will be set or ended period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing data of this communication. Failure to reply will will be set or ended period for size of this communication. Failure to reply will be set or ended period for size of the communication, even if streety filled, may reduce any search patient term adjustment. See 37 CFR 1:704(8). Status 1	Office Action Summary	Examine	r	Art Unit		
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Art Unit: 3635

Claim 1 is objected to because of the following; the recited "at least said windlock members...." has no clear meaning on lines 14-15.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 69-83 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6722416. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the pending application are a colourable variation of the claims in patent '416. For example, claim 69 is a combinations of claim 10 -12 and claims 1 and 2 of the '416 patent with the exception of reciting of the "reentrant distal ends providing a reduced width slot....", though implied in the above claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-

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272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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